

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:13-cr-305-BO

UNITED STATES OF AMERICA                  )  
  )  
  )       **MOTION TO SEAL DE 62**  
v.   )  
  )  
BASIT JAVED SHIEKH                         )  
  )  
Defendant.                                     )

The United States hereby moves to seal DE 62 (and any attachments), which is a redacted version of the Government's 18 September 2014 CLASSIFIED IN CAMERA, EX PARTE MOTION TO DELETE SPECIFIED CLASSIFIED INFORMATION PURSUANT TO SECTION 4 OF THE CLASSIFIED INFORMATION PROCEDURES ACT AND RULES 16(D)(1) AND 26.2 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE. This redacted and unclassified version contains information that is sensitive but unclassified. This information relates to certain facts of the case, as well as law enforcement means, methods, and capabilities relating to both investigations and evidence review particular to cases involving classified evidence. The Government believes that it has a compelling interest in preventing such matters from being unnecessarily disclosed to anyone not a party to the court proceedings in this matter.

The Government has filed DE 62 in an effort to provide the defendant with the maximum amount of information possible

regarding the Government's *ex parte* motion filed under CIPA Section 4 and Rules 16(D)(1) and 26.2 of the Federal Rules of Criminal Procedure. Broadly speaking, sealing such matters assists the Government in protecting matters that inherently relate to issues affecting national security, while at the same time ensuring the defendant receives the greatest amount of information related to the Government's classified *ex parte* filing. Indeed, many of the concerns which motivated the Government to seek the Protective Order at DE 40 with regard to discovery (and which was agreed and stipulated to by the defendants) are identical to those motivating the Government to seek the present sealing order as to DE 62. Based on the foregoing, the Government requests permission to seal DE 62.

Respectfully submitted this 23rd day of September 2014.

THOMAS G. WALKER  
United States Attorney

/s/ Jason M. Kellhofer  
BY: JASON M. KELLHOFER  
Assistant United States Attorney  
Criminal Division  
310 New Bern Avenue  
Suite 800 Federal Building  
Raleigh, NC 27601-1461  
Telephone: (919) 856-4530  
Facsimile: (919) 856-4828  
E-mail: Jason.Kellhofer@usdoj.gov  
Ohio Bar #0074736

CERTIFICATE OF SERVICE

This certifies that a copy of the foregoing Motion to Seal DE 62 has this 23rd day of September 2014 been served upon the below counsel for the defendant in this action by electronically filing the foregoing with the Clerk of court, using the CM/ECF system:

ROBERT E. WATERS  
Assistant Federal Public  
Defender  
Attorney for Defendant  
Office of the Federal Public  
Defender  
150 Fayetteville Street,  
Suite 450  
Raleigh, North Carolina 27601  
Telephone: 919-856-4236  
Fax: 919-856-4477  
E-mail: Robert\_Waters@fd.org  
N.C. State Bar No. 32985  
LR 57.1 Counsel Appointed

JOSEPH B. GILBERT  
Assistant Federal Public  
Defender  
Attorney for Defendant  
Office of the Federal Public  
Defender  
150 Fayetteville Street, Suite  
450  
Raleigh, North Carolina 27601  
Telephone: 919-856-4236  
Fax: 919-856-4477  
E-mail: Joseph\_Gilbert@fd.org  
N.C. State Bar No. 21395  
LR 57.1 Counsel Appointed

/s/ Jason M. Kellhofer  
JASON M. KELLHOFER  
Assistant United States Attorney  
Criminal Division  
310 New Bern Avenue  
Suite 800 Federal Building  
Raleigh, NC 27601-1461  
Telephone: (919) 856-4530  
Facsimile: (919) 856-4828  
E-mail: Jason.Kellhofer@usdoj.gov  
Ohio Bar #0074736